

county where the ownership of such animal or animals is unknown.

Sec. 21. The dip to be used in the treatment of sheep scab under official supervision in this State is the lime and sulphur dip, made in the proportion of eight (8) pounds of unslaked lime or eleven (11) pounds of commercial hydrated lime (not air-slaked lime) and twenty-four (24) pounds of flowers of sulphur to one hundred (100) gallons of water. The dipping bath must at all times be maintained at a strength of not less than one and one-half (1½) per cent of sulphide sulphur, or any other dip officially approved by both the Live Stock Sanitary Commission of Texas and the United States Bureau of Animal Industry. The dip to be used in the treatment of cattle for ticks shall be the arsenical dip approved by the United States Bureau of Animal Industry, or any other dip officially approved by both said bureau and the Live Stock Sanitary Commission of Texas.

Sec. 22. Any person owning, controlling or in charge of any domestic animal or animals which shall be required to be dipped under any of the provisions of this Act, who shall wilfully fail or refuse to dip in the official dips as above specified, or shall wilfully fail or refuse to maintain said dip at the strength officially specified, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00).

Sec. 23. This Act shall be liberally construed and if any section thereof be declared invalid, the remaining parts of the law shall not be affected thereby, and it is the intent of the Legislature to preserve all, any and every portion of said Act if possible.

This Act does not repeal any law in force for the protection of domestic animals, but is cumulative thereto.

Chapter 169 of the General Laws of 1913, as passed by the Thirty-third Legislature at its Regular Session, Articles 1266, 1269, 1271, 1272, 1273, 1274, 1275, 1276, 1277 and 1278, of the Revised Criminal Statutes of 1911, are hereby expressly repealed, and all other laws and parts of laws in conflict herewith are hereby repealed.

Sec. 24. The fact that there is now no adequate law in this State de-

fining the duties of the Live Stock Sanitary Commission, or regulating live stock sanitary control work in Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force as set out in its provisions from and after its passage, and it is so enacted.

#### FORTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, March 6, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. ad interim Gibson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Hopkins.	

Absent—Excused.

Henderson. McNealus.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Excused.

Senator McNealus, for today on account of sickness, on motion of Senator Hudspeth.

Petitions and Memorials.

See Appendix.

**Committee Reports.**

See Appendix.

**Bills and Resolutions.**

By Senator Buchanan of Scurry:

S. B. No. 469, A bill to be entitled "An Act to create a more efficient road system for Kent County, Texas; defining the powers and duties of the commissioners court of said county in adopting such system, and providing for the condemnation of lands for the opening, changing, widening, ditching, making embankments or fills or draining water away from the public roads in said county; providing for raising or lowering grades, changing or discontinuing of public roads in said county; providing that the commissioners of said county be ex officio road commissioners, defining their powers and duties and providing for their compensation, etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 276, A bill to be entitled "An Act to create the Eighty-first Judicial District of the State of Texas, to reorganize the Thirty-sixth and Forty-ninth Judicial Districts of said State, to provide for the appointment of a district attorney in said Thirty-sixth Judicial District as reorganized, and to provide for the appointment of a district judge for said Eighty-first Judicial District, and to provide for the continuance in office of the present district attorney of the Thirty-sixth Judicial District of Texas, as district attorney of the Eighty-first Judicial District of Texas, residing in Wilson County, Texas; to provide for the continuance in office of the present district judge and district attorney of the Forty-ninth Judicial District of Texas, to fix the time of holding the district courts of said districts, to provide for the

time when this Act shall take effect, to make all process heretofore issued, as well as bonds and recognizances heretofore entered into conform thereto; to provide that the grand and petit jurors drawn and selected under existing laws in any of the counties of said judicial district shall be considered legally drawn and selected for the term of the district court of their respective counties, held after this Act takes effect, and providing that this Act take effect on August 1, 1917; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Grants the request of the Senate to return H. B. No. 364 for correction; bill herewith returned with all amendments in engrossed rider.

Refused to engross H. B. No. 264; copy of bill transmitted herewith.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 43.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 8, A bill to be entitled "An Act regulating the sale of, and defining agricultural seeds and mixed seeds; requiring their proper labeling; prohibiting mixture of seeds unless so labeled; providing for the collection of samples and their examination; defining noxious weeds and foreign matter; providing that certificate of analysis by the Commissioner of Agriculture shall be prima facie evidence in certain cases, and regulating the measure of damages, designating an officer for the enforcement of the law; providing for the expense and enforcement of the law, and fixing penalties for its violation," with engrossed rider.

H. B. No. 105, A bill to be entitled

"An Act to amend Article 7382, Title 126, Chapter 2, of the Revised Civil Statutes of Texas, 1911, so as to exempt from taxation upon gross receipts in cities and towns of five thousand population or less, as given by the last Federal census, each and every individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines or any telephones within this State and charging for the use of same."

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has postponed indefinitely

H. B. No. 208, A bill to be entitled "An Act to provide for the sale of the land belonging to the permanent fund of the University of Texas, and the reservation of minerals therein, and declaring an emergency;" copy herewith transmitted.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (President Pro Tem. ad interim Gibson) had referred, after their captions had been read, the following House Bills:

H. B. No. 276, referred to the Committee on Judicial Districts.

H. B. No. 238, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 8, referred to the Committee on Agricultural Affairs.

H. B. No. 105, referred to the Committee on Towns and City Corporations.

Morning call concluded.

#### Senate Bill No. 460.

Senator Clark asked for unanimous consent to take up for consideration S. B. No. 460.

There was objection.

Senator Clark moved that the regular order of business (S. B. No. 219)

be suspended, and the Senate take up, out of its order, S. B. No. 460.

The motion was lost by the following vote:

Yeas—7.

Bailey.	Parr.
Caldwell.	Smith.
King.	Woodward.
Page.	

Nays—15.

Alderdice.	Harley.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Dean.	Johnston of Harris.
Decherd.	Lattimore.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Present—Not Voting.

Clark.

Absent.

Buchanan of Scurry.	McCollum.
Dayton.	Robbins.
Hudspeth.	Strickland.

Absent—Excused.

Henderson.	McNealus.
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#### Senate Bill No. 219.

(Pending.)

The Chair laid before the Senate as pending business under a special order and on its second reading,

S. B. No. 219, A bill to be entitled "An Act denying to railroad corporations and other common carriers, their representatives and successors, the right to have, claim, justify, vindicate or enforce any power, benefit or privilege given or described in any law of Texas, and denying to any court created by any law of Texas jurisdiction over any cause brought or proposed to be brought by any such corporation, its successors or representatives, etc.

Senator Hall made the point of order that S. B. No. 136, which was set as a special order for last Tuesday, and which has not been displaced as such special order will now take precedence over S. B. No. 219.

The Chair overruled the point of order, holding that S. B. No. 219 is pending business and a two-thirds

vote of the Senate is required to suspend or displace the same.

Senator Hall moved that the regular order of business (S. B. No. 219) be suspended, and the Senate take up, out of its order, S. B. No. 136.

The motion was lost by the following vote:

Yeas—11.

Caldwell.	Page.
Clark.	Parr.
Hall.	Robbins.
Harley.	Smith.
Johnston of Harris.	Woodward.
King.	

Nays—15.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Dean.	Suiter.
Decherd.	Westbrook.
Gibson.	

Present—Not Voting.

Dayton.	Strickland.
Floyd.	

Absent—Excused.

Henderson.	McNealus.
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Senator Harley moved that the regular order of business (Senate Bill No. 219) be suspended and the Senate take up, out of order, Senate Bill No. 435.

The motion was lost by the following vote:

Yeas—9.

Caldwell.	Parr.
Hall.	Robbins.
Harley.	Smith.
King.	Woodward.
Page.	

Nays—15.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Decherd.	McCollum.
Floyd.	Suiter.
Gibson.	Westbrook.
Hopkins.	

Present—Not Voting.

Bee.	Strickland.
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Absent.

Clark.	Dean.
Dayton.	

Absent—Excused.

Henderson.	McNealus.
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Action recurred upon pending business (Senate Bill No. 219), the question being upon the substitute amendment offered by Senator Dayton for the pending amendment of Senator Lattimore. (The amendment and substitute are shown in full on pages 771 and 772 of the Journal.)

Pending discussion, Senator Westbrook moved the previous question on the pending substitute amendment. The motion being duly seconded the main question was ordered.

Action recurred upon the pending substitute by Senator Dayton and the same was adopted by the following vote:

Yeas—15.

Alderdice.	Johnston of Harris.
Bee.	King.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Floyd.	Smith.
Hall.	Woodward.
Harley.	

Nays—11.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Strickland.
Decherd.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	

Present—Not Voting.

Dean.	Robbins.
Gibson.	

Absent—Excused.

Henderson.	McNealus.
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Senator Dayton moved to reconsider the vote by which the substitute amendment was adopted and table the motion to reconsider.

The motion to table prevailed.

Senator Hopkins offered the following amendment to the substitute of Senator Dayton as adopted.

Amend the Amendment No. 8 as substituted to Senate Bill No. 219, by striking out the words "final judgment" as they appear in lines No. 4 and 5, Section 4, as printed on page 729 of the Senate Journal, and insert in lieu thereof "ten days' notice and a hearing," and by striking out all after the word "after," in



the third line from the bottom of said substituted amendment and insert in lieu thereof the following: "ten days' notice has been given to the defendant and until after full hearing before such court or judge. Either party shall have the right to appeal from the order of court or judge, appointing or refusing to appoint a receiver, and such appeal shall have precedence over all causes of a different nature."

Senator Caldwell made the point of order that the amendment is the same in substance as the Hudspeth amendment just rejected by the Senate, being different only in that it provides for ten days' notice instead of five.

Pending.

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**Recess.**

At 12:30 o'clock p. m., on motion of Senator King, the Senate recessed until 2:30 o'clock today.

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**After Recess.**

(Afternoon Session.)

The Senate was called to order by President Pro Tem. ad interim Gibson.

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**Simple Resolution No. 107.**

Whereas, The Hon. James R. Wiley, a former distinguished member of the Texas Senate, is now in the city; therefore be it

Resolved, That he be extended the privilege of the floor and be invited to address the Senate.

Hopkins, Smith, Suiter, Westbrook.

The resolution was read and adopted.

Ex-Senator Wiley addressed the Senate briefly.

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**Bills Signed.**

The Chair (President Pro Tem. ad interim Gibson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 640, A bill to be entitled "An Act to create the Wheeler Independent School District of Wheeler

County, Texas, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act making it a misdemeanor to kill or in any manner injure the winged quadruped known as the common bat; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 300, A bill to be entitled "An Act to increase the authority and duties of the commissioners' court of Calhoun County, Texas, and of the county commissioners' court of said county; to require said county commissioners to devote their entire time and attention to the affairs of said county and to fix the salary of the members of said commissioners' court and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act creating the Chireno Independent School District in Nacogdoches County, Texas, etc., and declaring an emergency."

H. J. R. No. 2, "House Joint Resolution to amend Section 10, Article 1, of the Constitution of the State of Texas, providing for certain rights of accused persons in criminal prosecutions and the manner in which the case may be prosecuted, and providing for the procuring of the testimony of the witnesses for both defense and prosecution."

H. B. No. 499, A bill to be entitled "An Act to amend Sections 5, 6, 8, 9 and 29 of Chapter 106, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, so that hereafter said sections of Chapter 106 shall provide in substance for fixing the salaries of the members of the State Fire Insurance Commission; to limit the expenditure of said Commission in any one year to the sum produced by an assessment of one and one-fourth per cent of the gross premiums of all fire insurance companies doing business in this State; prescribing certain duties and powers of the State Fire Insurance Commission and the members thereof with respect to the fixing and promulgating of rates of premium, investigation of fires, and correction of fire hazards, and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act prescribing additional duties for the county attorney of Wichita

County; and fixing his compensation for same."

H. B. No. 609, A bill to be entitled "An Act creating an independent school district to be known as the Woden Independent School District in Nacogdoches County, Texas, etc., and declaring an emergency."

H. B. No. 138, A bill to be entitled "An Act to be known as the interchangeable jury law, to regulate the selection, organization and custody of juries in all cases except capital and lunacy cases in counties where there are now three, or may hereafter be established three or more district courts, and to repeal all laws in conflict herewith."

H. B. No. 624, A bill to be entitled "An Act creating the Abernathy Independent School District situated in Hale and Lubbock Counties, etc., and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act prohibiting manufacture or sale of road vehicles of certain carrying capacity with tires of less than the prescribed width within the State of Texas, fixing penalties for the violation thereof; providing the time at which such Act shall take effect, and declaring an emergency."

H. B. No. 612, A bill to be entitled "An Act to create a more efficient road, bridge and culvert system for Houston County; to create the office of road superintendent, etc., and providing for an emergency."

H. B. No. 38, A bill to be entitled "An Act to amend Articles 1521, 1522, 1543, 1544 and 1526 of the Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-third Legislature, approved March 28, 1913, defining the original and appellate jurisdiction of the Supreme Court, and regulating the practice therein."

\* H. B. No. 50, A bill to be entitled "An Act to establish and create a criminal district court for Tarrant County; to provide for the jurisdiction of, and procedure in, said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Tarrant County of jurisdiction of all criminal cases; providing from and after the taking effect of this Act for the transfer of all criminal cases from the district courts of the Seventeenth,

Forty-eighth and Sixty-seventh Judicial Districts of Tarrant County to the criminal district court of Tarrant County created by this Act; providing that the county attorney, the sheriff and the clerk of the district court of Tarrant County shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this Act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services; and repealing all laws and parts of laws in conflict with this Act, and creating an emergency."

H. B. No. 525, A bill to be entitled "An Act enlarging the area of Nixon Independent School District in Gonzales and Wilson Counties, etc., and declaring an emergency."

H. C. R. No. 19, granting leave of absence from the State to Hon. P. O. Beard, Judge of the Seventy-first Judicial District.

H. B. No. 302, A bill to be entitled "An Act to amend Article 886, Title 13, offenses against public property, Chapter 6, Penal Code of 1911, of the State of Texas, relative to the protection of certain game, so as to prohibit the killing thereof for the next twenty-five years; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act to relieve the crowded condition of the dockets of the Supreme Court by further regulating the mode in which, and the conditions on which, judgments of the Courts of Civil Appeals may be brought before the Supreme Court for revision, granting additional powers to the Chief Justice and Associate Justices of the Supreme Court and of the Courts of Civil Appeals, as incidental to the offices held by them; providing for compensation of certain Justices of the Courts of Civil Appeals while acting as herein provided, and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 20 of the Acts of the First Called Session of the Thirty-fourth Legislature of Texas, 1915, relating to the pay of jail guards, and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act to amend Chapter 84, H. B. No. 653, of the Acts of the Regular

Session of the Thirty-fourth Legislature of Texas, by a special law for the preservation of bass and other fish of the bass species, and of perch, sun fish and crappie species, in the following localities: In any water which is located in the valley of the Medina River from where the lower diversion dam above the town of Castroville crosses the Medina River, in Medina County, Texas, to a point on the Medina River in Bandera County, Texas, which by following the meanders of Medina River upward toward its source, shall constitute a distance of 25 miles, and in any of the waters which are impounded by the lower or diversion dam above the town of Castroville, in Medina County, and in any of the waters that are impounded by the upper or main dam in Medina County, Texas, which is located about four miles above said lower or diversion dam; and making it unlawful to catch and retain, or have possession of any bass or other fish of the bass species which are less than eleven inches in length, or to catch and retain or have possession of, in any one day, a total aggregate of more than ten bass or other fish of the bass species, or to catch and retain or have possession of in any one day a total aggregate of more than twenty crappie or sun fish species, and making it unlawful to sell, offer for sale, or buy any fish caught in any of said waters, and providing that the special Act shall be cumulative of the General Laws of the State of Texas, and not repeal same, and providing for a penalty for violation of said special law, and declaring an emergency, and fixing the venue of the prosecutions for violations of the law, and providing it shall not be unlawful to catch and retain more than twenty perch to be used as bait, providing none of such perch so caught for bait are larger than two inches long, and declaring an emergency."

#### Senate Bill No. 219.

(Pending.)

Pending business, S. B. No. 219, was again taken up, the question being upon the point of order raised by Senator Caldwell.

The Chair overruled the point of order, holding that the difference of five and ten days as provided in the

two amendments is a material difference.

Senator Page made the point of order that a motion for the previous question upon a substitute amendment or motion would have the effect of a motion for the previous question on the original amendment, in the absence of a Senate rule excepting or relieving such condition.

The Chair overruled the point of order.

Senator Page moved to table the amendment of Senator Hopkins to the pending amendment of Senator Dayton, which motion to table prevailed by the following vote:

Yeas—16.

Bee.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	Page.
Floyd.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Woodward.

Nays—11.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Sulter.
Decherd.	Westbrook.
Hopkins.	

Present—Not Voting.

Dean.

Absent.

Robbins.

Absent—Excused.

Henderson.

McNealus.

Senator Page moved the previous question on the pending amendment, which being duly seconded, the main question was ordered by the following vote:

Yeas—14.

Bee.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	Page.
Floyd.	Parr.
Hall.	Smith.
Harley.	Woodward.

Nays—12.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.

Decherd.	Lattimore.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.

Present—Not Voting.

Dean.	Robbins.
Gibson.	

Absent—Excused.

Henderson.	McNealus.
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Action recurred upon the amendment of Senator Dayton as substituted for the amendment of Senator Lattimore and the same was adopted by the following vote:

Yeas—15.

Alderdice.	Johnston of Harris.
Bee.	King.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Floyd.	Smith.
Hall.	Woodward.
Harley.	

Nays—11.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Strickland.
Decherd.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	

Present—Not Voting.

Dean.	Robbins.
Gibson.	

Absent—Excused.

Henderson.	McNealus.
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Senator Page moved to reconsider the vote by which the amendment was adopted and table the motion to reconsider.

The motion to table prevailed.

Senator Lattimore offered the following amendment:

Amend Section 4 as amended by adding at the end thereof the following: "Provided if upon the hearing of the application for receiver herein provided for, it shall appear to the court before whom same is pending that such suit is based upon a promulgation by the defendant railroad or railroads of any rate or rate schedule higher than that made or promulgated by the Railroad Commission of Texas, the judgment of

such court upon such hearing shall so find; and thereafter such rate or schedule of such defendant railroad or railroads shall be suspended until the final termination of such suit. Provided further, that any appeal on the part of any railroad company from such order or judgment finding such rates in excess of those made or promulgated by the Railroad Commission shall be perfected only by the giving of a bond written twenty days after the entry of such judgment by such court, which bond shall be in addition to the supersedeas or appeal bonds now required by law and shall be conditioned that such railroad will keep and file with the Railroad Commission of this State true and accurate accounts and statements each month of all freight charges collected during such month, and from whom, and further conditioned that said railroad companies will repay to the person or persons from whom same has been collected any freight charges or amounts in excess of those held to be lawful, which bond shall be subject to the approval of the said judge of said court, and shall be in such amount as may be fixed by such judge."

LATTIMORE.

Senator Hall moved to table the amendment, which motion prevailed by the following vote:

Yeas—14.

Bee.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	Page.
Floyd.	Parr.
Hall.	Smith.
Harley.	Woodward.

Nays—12.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Robbins.
Decherd.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Westbrook.

Present—Not Voting.

Gibson.

Absent.

Alderdice.	Dean.
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Absent—Excused.

Henderson.	McNealus.
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Senator Hudspeth offered the following amendment:

Amend the bill by striking out Section 4 of said bill as amended and renumbering the following sections to conform thereto.

Senator Caldwell made the point of order that Section 4 of the bill was adopted by an affirmative vote of the Senate and a motion made to reconsider the vote by which same was adopted was tabled, and that the only way to strike out said section would be to rescind the vote by which the motion to reconsider was tabled.

The point of order was sustained.

Senator Hudspeth moved to rescind the vote by which the motion to reconsider the vote by which Senator Dayton's amendment was adopted was tabled.

The motion was lost by the following vote:

Yeas—10.

Bailey.	Lattimore.
Buchanan of Scurry.	Robbins.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.

Nays—14.

Alderdice.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	Page.
Floyd.	Parr.
Hall.	Smith.
Harley.	Woodward.

Present—Not Voting.

Gibson.

Absent.

Buchanan of Bell. Dean.

Absent—Excused.

Henderson. McNealus.

Pairs Recorded.

Senator Bee (present), who would vote "nay"; Senator Decherd (absent), who would vote "yea."

Senator Page offered the following amendment:

Amend by adding after Section 8, Section 8a as follows:

"Where any court of competent jurisdiction or any judge having authority so to do has granted or issued a restraining order or injunc-

tion restraining the Railroad Commissioners of Texas, the Attorney General or others from instituting penalty suits against or otherwise interfering with any such corporation, while such corporation is claimed to be disobeying any of the provisions of the Constitution and laws of Texas, or any order or rate of the Railroad Commission of Texas, on the claim that such corporation has the right to do so under the Constitution and laws of the United States or under any order made under the authority of said Constitution or laws, or for any cause or on any other claim, no suit for forfeiture shall be instituted by the Attorney General of Texas, and no application for receiver shall be made by him unless and until such restraining order or injunction has been dissolved and not until ten days thereafter. During the period that such corporation may have acted under such restraining order or injunction and for ten days thereafter, its disobedience to any provision of the Constitution or laws or of any order or rate made thereunder shall not be a cause of forfeiture or for the appointment of a receiver."

Senator Page moved the previous question on the pending amendment and on the engrossment of Senate Bill No. 219.

The motion being duly seconded, the main question was ordered.

Action recurred upon the pending amendment of Senator Page, and the same was lost by the following vote:

Yeas—7.

Caldwell.	Page.
Clark.	Parr.
Dayton.	Smith.
King.	

Nays—10.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Robbins.
Hopkins.	Suiter.
Hudspeth.	Woodward.

Present—Not Voting.

Floyd.	Johnston of Harris.
Gibson.	

Absent.

Dean.

Absent—Excused.

Henderson.	McNealus.
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## Pairs Recorded.

Senator Bee (present), who would vote "yea"; Senator Decherd (absent), who would vote "nay."

Senator Westbrook (present), who would vote "nay"; Senator McCollum (absent), who would vote "yea."

Senator Hall (present), who would vote "yea"; Senator Alderdice (absent), who would vote "nay."

Senator Strickland (present), who would vote "nay"; Senator Harley (absent), who would vote "yea."

S. B. No. 219 was read second time and on motion of Senator Hudspeth was passed to engrossment by the following vote:

## Yeas—15.

Bailey.	Johnson of Hall
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Dayton.	Robbins.
Floyd.	Strickland.
Gibson.	Suiter.
Hopkins.	Woodward.
Hudspeth.	

## Nays—4.

Clark.	Parr.
Page.	Smith.

## Present—Not Voting.

Johnston of Harris.

## Absent.

Dean. Harley.

## Absent—Excused.

Henderson.

## Pairs Recorded.

Senator Caldwell (present), who would vote "nay"; Senator McNealus (absent), who would vote "yea."

Senator Westbrook (present), who would vote "yea"; Senator McCollum (absent), who would vote "nay."

Senator Hall (present), who would vote "nay"; Senator Alderdice (absent), who would vote "yea."

Senator Bee (present), who would vote "nay"; Senator Decherd (absent), who would vote "yea."

## Reasons for Vote.

Notwithstanding amendments of Senators on the floor have almost taken from S. B. No. 219 its power for good, which the high-handed en-

croachments of the railroads have made so necessary, I am still voting "yea." The railroads have set aside and flouted the Railroad Commission of this State, and the purpose of this bill was to give the Attorney General power to meet the situation. While this power is now denied him till final judgment in suits brought, yet I shall still vote "yea."

## LATTIMORE.

Senator Hudspeth moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 219 put on its third reading and final passage.

The motion was lost by the following vote:

## Yeas—14.

Bailey.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Dayton.	Robbins.
Gibson.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Woodward.

## Nays—7.

Caldwell.	Page.
Clark..	Parr.
Floyd.	Smith.
King.	

## Absent.

Dean. Harley.

## Absent—Excused.

Henderson. McNealus.

## Pairs Recorded.

Senator Hall (present), who would vote "nay"; Senator Alderdice (absent), who would vote "yea."

Senator Westbrook (present), who would vote "yea"; Senator McCollum (absent), who would vote "nay."

Senator Bee (present), who would vote "nay"; Senator Decherd (absent), who would vote "yea."

## Senate Bill No. 58.

Senator Strickland asked for unanimous consent to take up S. B. No. 58 at this time.

There was objection.

Senator Strickland moved that the regular order of business be suspended and the Senate take up, out of its order, S. B. No. 58.

The motion prevailed by the following vote:

Yeas—17.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Parr.
Dayton.	Robbins.
Floyd.	Smith.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	

Nays—4.

Caldwell.	Page.
Clark.	Woodward.

Present—Not Voting.

Gibson.	Hall.
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Absent.

Alderdice.	Harley.
Dean.	McCollum.
Decherd.	Westbrook.

Absent.

Henderson.	McNealus.
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The Chair laid before the Senate on second reading:

C. S. for S. B. No. 58, A bill to be entitled "An Act defining and prohibiting, under penalties, conspiracies to blacklist and other practices, or to prevent ex-employees from securing employment; requiring corporations to keep certain records of information given or received by them or their officers or agents in their behalf concerning the character, skill, habits or ability of employes or ex-employees, and providing penalties for failure of corporations or their officers or representatives to comply with such requirements; prescribing certain limitations upon the terms of the Act; prescribing certain rules of evidence; declaring the terms of the Act to be separable, and declaring an emergency."

Pending special order.

#### Adjournment.

At 6:50 o'clock p. m., on motion of Senator Page, the Senate adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Petitions and Memorials.

Warehouse and Marketing Dept.,  
Austin, Texas, March 5, 1917.

Hon. W. P. Hobby, President of the Senate, Capitol.

Dear Sir: My attention has been called to a postal card, mailed at Tyler, Texas, on February 27, and signed in print, "Dabney White." The same was addressed to different members of the Senate. The allegations contained therein, if made by any other than a prejudiced person, might be not only a serious reflection upon the managers of the Warehouse and Marketing Department, but upon the honorable Senate of Texas as well. I presume you know the author and his methods and purposes. I desire, for my part, to directly ignore his allegations as unworthy of reply. I wish to assure the Senate, however, that this department is willing to furnish the Senate any information they may desire.

As a citizen of Texas, I have tried to discharge every duty placed upon me, either in private or public life, with credit to myself and honor to the State. I now feel that I enjoy the confidence and esteem of the people with whom it has been my honor to associate, and I deeply deplore the fact that those who, for lack of worthy motives themselves, and for their own self-aggrandizement, see fit to challenge or impugn my motives. The confidence of the people, which I have enjoyed through all these years of public service, affords me a breastplate through which the poisoned shafts of the enemy can never penetrate. This is, in my opinion, the greatest asset a public servant can enjoy.

The issue, "shall a farmer have a square deal," should never be obscured by personalities. Principle will live, while persons will die. With these ends in view, the marketing bill was framed and enacted into a law. The Golden Rule, "Do unto others as you would have them do unto you," was accepted as a motto; the fundamental principle that one must come with clean hands before he can seek equity was adhered to by the framers of the law. The law, first, provides for a Warehouse Commission, with the Governor at its head.

Second—The ginning business was declared of public use and placed under State control, so that through this supervision by the State the farmers' cotton might be properly handled and standardized, and deception and fraud prevented.

Third—The law provides for the taking of a sample at the gin by a bonded ginner, who is a disinterested person, protecting the producer and purchaser alike.

Fourth—The law provides that the warehouse receipt shall give the proper weight and grade of the cotton taken by a bonded officer, so that the farmer may be advised as to the value of his property; so that the fire insurance rate may be reduced by limiting the moral hazard and to avoid the cutting of the bale, so as to prevent the enormous waste known as "city crop," and thus again reducing the risk from fire, caused by exposure of the cotton fiber through the practice of cutting the bale, and thereby further reducing the insurance rate. The bonded warehouse receipt, by giving the weight and grade of the product, makes cotton a liquid asset, and insures a preferential rate of interest, approved by our Federal Reserve Board and its member banks. It is estimated by our Federal Government that the enforcement of all these economic questions would easily save to the farmers of Texas, on an average annual crop, from twenty-five to thirty million dollars.

The amendment to the law proposed in Senate Bill No. 218 briefly covers the following points:

First—The Warehouse Commission remains the same as in the old law, with the exception that only one manager is provided for, with the present salary.

Second—It reduces the amount of the bond of the ginner.

Third—It limits the number of the samples to be taken at the gin to one, and fixes the weight of same to from four to six ounces, leaving it optional for the ginner to take a sample for his own protection.

Fourth—It provides for official graders, duly licensed and qualified, without cost to the State.

Fifth—It provides for standard weights, grades and measures and for remedies in case of abuse.

Sixth—It provides for a uniform warehouse receipt, in conformity

with the Federal Warehouse Uniform Receipt Act.

Seventh—It amends the condition in the bonds of the managers of public warehouses, so as to make it possible for surety companies to write such bonds.

Eighth—It reduces the minimum amount under which organizations may incorporate, and fixes a more liberal manner for payment of the capital stock.

Ninth—The amendment while regulating the ginner, and compelling him to furnish the best results, at the same time protects the ginner also by providing that an adequate price for ginning may be fixed by the Commission.

All of these amendments were submitted to the organized farmers, ginners, bankers and retail merchants, and approved by all of these organizations.

Under our present system of marketing cotton in the primary markets, the farmer is at a decided disadvantage, as he has not sufficient information as to the quality or grade of his product to protect himself against fraudulent practices. Bulletin No. 457, issued by the Federal Department of Agriculture, makes the following statement: "The farmers of the South are heavy losers because of the lack of information and knowledge. In seventy-three towns investigated, the farmers lost \$7,500,000.00 on grade alone." Without proper standardization, the buyer takes the risk, and the farmer bears the loss. Many other examples might be quoted, showing how the farmer is the victim of the old wasteful and antiquated manner in which we are handling our cotton. I will quote no others, however, as they are already well known.

I accepted the appointment as one of the managers of the Marketing Department of Texas with the determination to carry out the spirit of the law and prevent some of these enormous losses to the producer. I endeavored to do everything that could be done under the circumstances along the lines of organization of producers, in aiding them to improve their marketing conditions. No aid can be rendered to the thousands of farmers scattered throughout the State, as individuals. Co-operation is the keynote to success, but organization must precede co-opera-



tion; yet, information, or education, is the greatest asset of all. This department has done a great deal, and we are gratified at the success that can be shown. We realize, however, that the work undertaken is not a question of today, nor of tomorrow, but it is the question of an age. We must bear in mind that our struggles of today are not merely for today, but for the future as well.

President Wilson, in his message to Congress in December, 1913, said: "It has singularly enough, come to pass that we have neglected the farmer, and left him to shift for himself. We must in the future make his credit more easily available and more permanent." The reserve bank system, the Federal farm loan banks, are the immediate result of the President's message, and both will abound in untold good to the business men and the farmers of our Nation.

The Texas Marketing and Warehouse Law was passed under distressing conditions, existing at the time throughout the South. Under such conditions, it should not be expected that the law could have been passed without some imperfections. It does not offer all the relief desired, and many of our citizens, while endorsing the principles of the law, were aggravated by designing interests, and became impatient. Farmers, bankers and other business men, at all their State and district gatherings endorse the law, and even the gingers are now upholding the principles of the law, only claiming in return protection for themselves.

Another feature of the marketing law is that it facilitates organizations and co-operation of the producers. The Federal Land and Loan Act makes organization and co-operation of the farmer a prerequisite, before recognizing him. It ignores the individual. It compels one, to a limited degree, to endorse for the other, and in this respect it will encourage a better citizenship.

We have succeeded in organizing eighty-six bonded warehouse and marketing associations. The expediency of such organization last year was not as apparent as it was the year before, but we, as individuals, as well as a nation, should always be prepared to meet an emergency. When the unfortunate European war broke out, the South, on account of its unpreparedness, had to sacrifice a crop,

costing more than six hundred million dollars to produce, for almost one-half of that amount. Other sections and countries, better prepared to house and finance our crops, reaped the benefit. Shall we lie idly by when such conditions may again arise? To my mind, such negligence would be next to criminal.

For me, I ask no special consideration more than is due to any other man. For the cause, I do. I consider the issue the most important and vital of the day. Let us not retrograde, but let us progress. Shall special interests and greed survive, or shall the farmer survive? This is the issue, and this is the only issue.

In conclusion, permit me to say that I will always cherish the kindest and friendliest feeling for the Senate of Texas. I am proud that in former days I have had the honor of representing my people as one of you. With an abiding faith in the representatives of our people, I remain,  
Very truly yours,

F. C. WEINERT.

(Printed here by order of the Senate on motion of Senator Harley.)

#### Engrossing Committee Report.

Committee Room,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 445 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

#### Committee Reports.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 553, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals so as to include among the counties exempted from the provis-

ions of Articles 7256 to 7304, inclusive, the Counties of Coke, Irion, Reagan, Sterling, Tom Green and Upton,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Parr, Buchanan of Bell, Johnson, Dean, Hudspeth.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 465, A bill to be entitled "An Act incorporating the Valley Mills Independent School District in Bosque and McLennan Counties, Texas, for free school purposes only, and for the election of their successors, and divesting the present Valley Mills Independent School District and its Board of Trustees of the control of its public free schools, and of the title to all school property therein, and vesting the same in the said Valley Mills Independent School District and its Board of Trustees, and prescribing the rights, powers, privileges and duties of said Valley Mills Independent School District and its Board of Trustees, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Buchanan of Scurry, Floyd, Hall, Alderdice, Harley, Decherd, Johnson, Page, Dayton, Dean, Smith.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Civil Statutes of Texas, 1911, and to amend Chapter 72, H. B. No. 827, General Laws of the Thirty-third Legislature, page 131, and to amend

Chapter 99, H. B. No. 418, General Laws of the Thirty-fourth Legislature, page 152, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include El Paso County, declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Parr, Buchanan of Bell, Johnson, Hudspeth, Dean.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 468, A bill to be entitled "An Act to amend Article 7235, Revised Civil Statutes of Texas, 1911, which relates to the mode of preventing horses, cattle and certain other live stock from running at large in particular counties named, and which amendment provides for the exemption of the County of Waller from the provisions of the said Article, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Robbins, Parr, Johnson of Hall, Hudspeth, Dean, Buchanan of Bell.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

H. B. No. 227, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Regular Session of the Thirty-second Legislature, said Chapter 83 being known and published as an Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature relating to exemptions from the operation of what is known as the "anti-pass law," so as to include

among said exemptions the Fire Marshal of the State Fire Insurance Commission, and those acting for him while actually engaged in fire prevention work, and all city fire marshals while traveling to and from their State conventions."

Have had the same under consideration, and beg to report the same back to the Senate, with the recommendation that it do pass, and be not printed, but be printed in the Journal.

Johnson, Chairman; Johnston of Harris, Clark, Hall, Harley, Bailey, McCollum, Gibson.

By Cope, by request. H. B. No. 227.

A BILL  
To Be Entitled

An Act to amend Chapter 83 of the General Laws of the regular session of the Thirty-second Legislature, said Chapter 83 being "An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature, relating to exemptions as affecting employes and ex-employes of common carriers, express, railway, telegraph, news and other companies, persons and corporations, performing service for or in connection with the operation of the railways; the State Railroad Commissioners; peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs; United States Marshals and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commission and his two chief deputies; State and county health officers; government representatives accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances; constables; members of the

State militia in uniform when called into service," so as to include among the exemptions the Governor; the Lieutenant Governor; members of the Legislature; members of the Board of Regents, and Boards of Trustees of all State educational institutions of the State of Texas; the Collector of Internal Revenue and his designated traveling deputy collectors; the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work, and all city fire marshals who have also been regularly appointed peace officers."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 2, Chapter 83, of the General Laws of the regular session of the Thirty-second Legislature be amended so as to hereafter read as follows:

Sec. 2. That the provisions of Section 1 of this Act shall not be held to prohibit any steam or electric interurban railway, telegraph company or chartered transportation company, or sleeping car company, or the receivers or lessees thereof, or persons operating the same, or the officers, agents or employes thereof, from granting free or exchanging free passes, franks, privileges, substitute for pay or other thing herein prohibited, to the following persons: The Governor; the Lieutenant Governor; members of the Legislature; members of the Board of Regents, and Boards of Trustees of all State educational institutions of the State of Texas; the Collector of Internal Revenue and his designated traveling deputy collectors. The actual bona fide employes of any such companies and the members of their families. The term employes shall be construed to embrace the following persons only: All persons actually employed and engaged in the service of any such companies, including its officers, bona fide ticket, passenger and freight agents, physicians, surgeons and general attorneys, and attorneys who appear in court to try cases and who receive a reasonable annual salary; furloughed, pensioned and superannuated employes; persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the em-



ployment of a carrier; provided, nothing in this Act shall prohibit any steam railroad company from issuing any pass or free transportation to the widows of any employe who has died while in the service of said company, and ex-employes traveling for the purpose of entering the service of any such common carrier. And the term families as used in this paragraph shall include the families of the persons named in this provision; also the families of persons killed while in the service of any such common carrier; also persons actually employed on sleeping cars, express cars, also officers and employes of telegraph and telephone companies, newsboys employed on trains, railway mail service employes and their families, postoffice inspectors, chairmen and bona fide members of grievance committees of employes; bona fide custom and immigration inspectors employed by the Government, the State Health Officer and one assistant, and Federal health officers, county health officers, the State Railroad Commissioners, State Superintenden of Public Buildings and Grounds; the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work, and all city fire marshals who have also been regularly appointed peace officers; the State Game, Fish and Oyster Commissioner and his two chief deputies; also Government representatives accompanying from the Texas fish hatcheries shipments of fish for free distribution in the waters of this State; the Dairy and Food Commissioner and deputies; also when live stock, poultry, fruit, melons or other perishable produce is shipped, the necessary caretakers while en route and return; also trip passes to the indigent poor when application therefor is made by any religious or charitable organization; Sisters of Charity, or members of any religious society of like character; delegates to the different farmers' institutes and farmers' congresses and farmers' unions; also all delegates to the State and district firemen's conventions from volunteer fire companies; and Confederate veterans who are or have been, or who hereafter may be admitted to the Confederate Home; managers of the Young Men's Christian Associations or other eleemosynary institutions while engaged in charitable work; also the officers

or employes of industrial fairs during the continuance of any said fair and six months prior thereto; provided, that no more than four officers or employes of any one fair or fair association shall receive passage in any one year; also persons injured in wrecks upon the road of any such company immediately after such injury, and the physicians and nurses attending such persons at the time thereof; also persons and property carried in cases of general epidemic, pestilence or other calamitous visitations at the time thereof or immediately thereafter; also the United States Marshals and not more than two deputies of each such marshals; State rangers; constables; the members of the State militia in uniform and when called into service for the State; sheriffs and not more than two deputies to each constable or sheriff, chiefs of police or city marshals, whether elective or appointive. Any bona fide policeman or fireman in the service of any city or town in Texas may have the right to ride upon free transportation furnished by any steam railroad company, and street railway company, any interurban railway company, or other lines of public transportation, when such policeman or fireman is in the discharge of his public duty; but this provision shall not be construed so as to apply to men holding commissions as special policemen or firemen. Any bona fide peace officer shall enjoy the same privilege, when their duties are to execute criminal processes; provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroad, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor; provided further that said sheriffs and other peace officers above mentioned using such free passes or transportation shall deduct the money value of the same at the legal rate per mile from any mileage accounts against the State and litigants earned by them in executing process when such pass was used or could have been used; also members of the Live Stock Sanitary Commission or their inspectors of Texas, not exceeding twenty-five (25) in number for any one year; any person who has by many years of actual labor aided, assisted and been instru-



mental in securing the passage of statutes by the Congress of the United States requiring the equipment of railroad trains with adequate safety appliances for the protection of the persons and lives of the employees and passengers; provided, that such person was not at such time a public officer, national, State or local, nor employed directly or indirectly by any railroad company; provided, that nothing in this Act shall prevent any such companies, the receivers or lessees thereof and their families or the officers, agents or employees from granting to ministers of religion reduced rates of one-half ( $\frac{1}{2}$ ) the regular fare, nor shall anything in this Act prevent such companies, their receivers or lessees from transporting free of charge any article being sent to any orphan home or other charitable institution; provided, further, that nothing in this Act shall be construed to prohibit any such companies, their receivers or lessees or officers, agents or servants from making special rates for special occasions or under special conditions, but no such rates shall ever be made without first obtaining the authority from the Railroad Commission of Texas; and provided further, that no person who holds any public office in this State shall at any time during their term of office be entitled to any such pass or transportation, privileges or franks or substitute for fare or charges over any railway or other company mentioned in Section One (1) of this Act, except employees operating trains when in the actual discharge of their duties as such and the officers and Confederate veterans hereinbefore exempted; provided further, that nothing in this Act shall prohibit any street railway company from transporting, free of charge, police officers and firemen in any city where said company is authorized to do so by any ordinance or authority from the city council of any such city; provided, however, that no person or persons, beneficiaries of free transportation herein permitted, shall ride on a free pass or enjoy free transportation to or from any political convention or on any political errand; that nothing in this Act shall prohibit any express company from hauling or carrying free of charge the packages and property of its actual and bona fide officers, at-

torneys, agents and employees who are actually in the employment of any such company, its receivers or lessees, at the time such free transportation or the right thereto was given; and provided further, that nothing in this Act shall be construed to prohibit any telegraph or telephone company from carrying and transmitting free of charge the messages of its bona fide officers, attorneys, agents and employees and their families who are actually in the employment of such company, its receivers or lessees at the time when such free transportation or the right thereto was given; provided, the actual bona fide officers and employees upon annual salaries of railway and telephone companies and telegraph companies are hereby permitted to exchange franks, privileges and free transportation over their respective lines of railway and telegraph and telephone; and provided further, that nothing in this Act shall be construed to prevent the right of contract between railway companies and publishers, editors or proprietors of newspapers or magazines from making an exchange or mileage for advertising space in such newspapers or magazines; and provided further, that the contract between the railway companies and publishers, editors or proprietors of such newspapers shall be upon the same basis of charges as is charged the public generally for a like service, and that the said exchanges shall be on a basis of value received in all cases, and providing that such contracts shall be in writing and shall not be operative until approved by the Railroad Commission of this State and filed in the office of the Commission as a part of the records thereof, subject at all reasonable times to public inspection; and that nothing herein contained shall be construed to prevent railway, express, railway news and other companies, persons and corporations performing service for or in connection with the operation of railways, from issuing to or exchanging with each other franks, passage and free transportation of persons and property to each other and to their respective company's officers and employees for the use of the respective facilities; provided, that nothing herein contained shall be construed to prohibit actual bona fide employees from riding on a pass if he at the same time holds the position

of school trustee or notary public. If a pass be issued by any of the companies named in this Act to any member of the Texas Legislature now or hereafter elected, then such company so issuing said pass shall issue like free transportation to all the other members of the Legislature whether requested or not by such members.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 35, A bill to be entitled "An Act to establish and create a criminal judicial district of Dallas County, Texas, and to fix the territorial limits of criminal judicial district, and to designate the criminal district courts that have jurisdiction in said criminal judicial district of Dallas County; to provide for the election, qualification, powers, and compensation and expense of office, of the criminal district attorney for said district; to provide for the appointment of assistants to the criminal district attorney and to provide for their powers, duties and method of payment, and to provide for the present county attorney of Dallas County to assume the duties of and conduct the business of the criminal district attorney of Dallas County until his successor shall be elected and qualified and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Page, Chairman; Caldwell, Dayton, Hudspeth, Lattimore, Westbrook, King, Strickland, Suiter, Hall.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 469, A bill to be entitled

"An Act to create a more efficient road system for Kent County, Texas; defining the powers and duties of the commissioners court of said county in adopting said system, and providing for the condemnation of lands for opening, changing, widening, ditching, making embankments or fills or draining water away from the public roads in said county; providing for raising or lowering grades, changing and discontinuing of public roads in said county; providing that the commissioners of said county be ex officio road commissioners, defining their powers and duties and providing for their compensation, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Clark, Buchanan of Scurry, Floyd, Smith, Gibson.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Debt, Claims and Accounts, to whom was referred

S. B. No. 464, A bill to be entitled "An Act to amend Chapter 141 of the General Laws enacted by the Thirty-third Legislature in 1913, and approved by the Governor on April 7, 1913, and being 'An Act entitled an Act to carry into effect the provisions of the amendment to Section 51 of Article 3 of the State of Texas, adopted at an election in said State on the 5th day of November, A. D. 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of said State, issued heretofore on the 30th day of December, A. D. 1912, by providing for the levy of an ad valorem tax of not exceeding five cents on the one hundred dollars valuation on property in said State for the purpose of creating a special fund for the payment of pensions for services in the Confederate army, navy, frontier organization, the militia of the State of Texas, and for the widows of soldiers serving in said armies, navies, organizations and militia, and providing how and under what regulations such fund shall be expended

and controlled and how such pensions and the amounts thereof shall be paid to the persons entitled thereto, making the provisions of such bill cumulative of all laws in force in Texas, not in conflict therewith, repealing all laws and parts of laws in conflict therewith and prescribing a penalty for false swearing in connection with applications for pensions under the provisions of this Act,' by providing a method of taking evidence in such cases as come under the provisions of this Act, and providing that this shall be cumulative of all other laws pertaining to confederate pensions when not in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Suiter, Chairman; Buchanan of Bell, Floyd, Robbins, McCollum, Alderdice.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 276, A bill to be entitled "An Act to create the Eighty-first Judicial District of the State of Texas, to reorganize the Thirty-sixth and Forty-ninth Judicial Districts of said State, to provide for the appointment of a district attorney in said Thirty-sixth Judicial District as reorganized, and to provide for the appointment of a district judge for said Eighty-first Judicial District and to provide for the continuance in office of the present district attorney of the Thirty-sixth Judicial District of Texas, as district attorney of the Eighty-first Judicial District of Texas, residing in Wilson County, Texas, to provide for the continuance in office of the present district judge and district attorney of the Forty-ninth Judicial District of Texas, to fix the time of holding the district courts of said district, to provide for the time when this Act shall take effect, to make all process heretofore issued, as well as bonds and recognizances heretofore entered into conform thereto, to provide that the grand and petit jurors drawn and se-

lected under existing laws in any of the counties of said judicial districts shall be considered legally drawn and selected for the term of the district court of their respective counties held after this Act takes effect, and providing that this Act take effect on August 1, 1917, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed, because S. B. No. 115 on the same subject has heretofore been reported favorably by this committee and printed.

Buchanan of Scurry, Chairman; King, Suiter, Johnston of Harris, Dean, McCollum, Parr, Hall.

Committee Room,  
Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 466, A bill to be entitled "An Act concerning loan and investment companies, defining same and providing for their incorporation, powers and supervision,"

Have had the same under consideration, and I am requested to report the same back to the Senate, with the recommendation that it do pass, and be not printed, but be printed in the Journal only.

LATTIMORE, Vice Chairman.

By Lattimore. S. B. No. 466.

#### A BILL To Be Entitled

An Act concerning loan and investment companies, defining same and providing for their incorporation, powers and supervision.

Be it enacted by the Legislature of the State of Texas:

Section 1. The term "loan and investment company" as used in this Act means any corporation formed under the provisions of this Act.

Sec. 2. Corporations may be organized under and by virtue of this Act in the same manner as corporations for profit under and by virtue of Title 25 of the Revised Statutes, except as otherwise herein provided.

Sec. 3. The aggregate amount of



the capital stock of a loan and investment company shall not be less than \$25,000 in any city having a population of less than 50,000 inhabitants, and shall not be less than \$50,000 in any city having 50,000 or more inhabitants and less than 150,000 inhabitants, and shall not be less than \$100,000 in any city having 150,000 inhabitants or more, according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of \$100 each. No corporation organized under this Act shall create more than one class of stock.

Sec. 4. Every loan and investment company, in addition to the powers conferred upon corporations by the general incorporation law, shall have the following powers:

First. To lend money to any person, firm or corporation, secured by the obligation of such person, firm or corporation or otherwise.

Second. To sell or offer for sale its secured or unsecured evidences or certificates of indebtedness or of investment and to receive from investors therein or purchasers thereof payments therefor in installments or otherwise, with or without allowance of interest upon such installments, whether such evidences or certificates of indebtedness or of investment be hypothecated for a loan or not, and to enter into contracts in the nature of a pledge or otherwise with said investors or purchasers with regard to said evidences or certificates of indebtedness or of investment, and no such transaction shall in any way be construed to affect the rate of interest on such loan.

Third. To buy and sell bonds or choses in action of any person, firm or corporation.

Fourth. To charge for a loan made pursuant to this section one dollar for each \$50 or fraction thereof loaned for expenses, including any examination or investigation of the character and circumstances of the borrower, co-maker or surety and the drawing and taking acknowledgment of necessary papers or other expenses incurred in making the loan; no charge shall be collected unless a loan shall have been made as a result of such examination or investigation.

Fifth. To establish branch offices or places of business within the city

in which its principal office is located, but not elsewhere.

Sec. 5. No loan and investment company shall:

(a) Hold at any one time the obligation of any one person, firm or corporation for more than two and one-half per cent of the amount of capital and surplus of such loan and investment company.

(b) Make any loan under the provisions of this Act for a longer period than one year from the date thereof.

(c) Deposit any of its funds with any other moneyed corporation unless such corporation has been designated as such depository by a vote of the majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

Sec. 6. Every corporation incorporated under the provisions of this Act shall report to, and be subject to, the supervision of the Commissioner of Banking.

Sec. 7. The provisions of Chapter 25, Title 25, Revised Statutes, shall not apply to corporations organized under the provisions of this Act.

#### Enrolling Committee Reports.

Committee Room,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 391 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared committee substitute for Senate Concurrent Resolution No. 13, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.



By Committee. C. S. S. C. R. No. 13

Whereas, Your Committee on Agriculture and Subcommittee on Agriculture have found from testimony and hearings before them, that there is conflict, duplication and repeating in the work carried on by the Agricultural and Mechanical College, the University, the extension boards, the Department of Education, the the Warehouse and Marketing Departments, and the Department of Agriculture, and

Whereas, Said committees have found out from said hearings that there is friction existing among said institutions resulting from said duplicating and repeating work, and

Whereas, It appears that said institutions can not agree among themselves upon the functions and lines along which each should act so as not to interfere with, overlap and impede the progress of each other; be it

Resolved, By the Senate and House concurring, that a joint committee of this Legislature composed of two Senators and three members of the House, be appointed by the President of the Senate and the Speaker of the House to consider, investigate and determine under the Constitution and laws of Texas the distinct and specific fields of operation to be pursued by each of said institutions, so as to avoid and eliminate the duplicating and friction existing among said institutions, and that said committee be allowed sufficient time to minutely go into these matters and prescribe the exact sphere of each of said institutions to the end that this Legislature be requested to make appropriations for each institution in the sphere of activity as prescribed by this committee only, and the duplicating, repeating and overlapping work done by said institutions may be entirely eliminated, so that each shall perform certain specific acts and things as provided by law and to the end that each institution may be strengthened in its own sphere of usefulness and an enormous amount of money saved to the tax payers of Texas.

Committee Room,

Austin, Texas, March 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate Concurrent Resolution No. 23, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Bailey.

S. C. R. No. 23.

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Legislature of Texas receive the message of congratulation from the citizens of Goliad sent through their Senator and hereto attached, to us with sentiments of patriotism and State pride on this, the anniversary of Texas Independence and in reply reminds the people of Texas that the glories of Goliad shall ever be remembered while Texas history preserves its annals, patriotism dictates good government and freedom of thought and conscience finds a friend.

#### FORTY-FOURTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, March 7, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.

Absent—Excused.

Henderson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook